

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID WICHTERMAN, JR., as  
Administrator of the Estate of Daniel  
Wichterman,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,  
CORIZON HEALTH,  
POLICE CORRECTIONAL OFFICER  
JUSTIN AVERY,  
POLICE CORRECTIONAL OFFICER  
WILLIAM GWALTHNEY,  
TAIRU WAHABU, RN, and,  
OFFICER JOYNER, BADGE NO. 114,  
Defendants.**

**CIVIL ACTION**

**NO. 16-5796**

**ORDER**

**AND NOW**, this 19th day of June, 2019, upon consideration of Defendants Corizon Health, Inc. and Tairu Wahabu, R.N.'s Motion to Exclude the Expert Testimony of Robert L. Cohen, M.D. (Document No. 37, filed May 30, 2018), Defendants Corizon Health, Inc. and Tairu Wahabu, R.N.'s Motion to Exclude the Expert Testimony of Sarah E. Wakeman, M.D. (Document No. 39, filed May 31, 2018); Plaintiff's Consolidated Response in Opposition to Corizon Defendants' Motions to Exclude Expert Testimony of Robert L. Cohen, M.D. and Sarah E. Wakeman, M.D. (Document No. 44, filed June 27, 2018); and Reply Brief in Support of Motion of Defendants Corizon Health, Inc. and Tairu Wahabu, R.N. to Exclude the Expert Testimony of Dr. Robert L. Cohen and Dr. Sarah E. Wakeman (Document No. 49, filed July 18, 2018), for the reasons set forth in the accompanying Memorandum dated June 19, 2019, **IT IS ORDERED** as follows:

1. Defendants Corizon Health, Inc. and Tairu Wahabu, R.N.'s Motion to Exclude the Expert Testimony of Robert L. Cohen, M.D. is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. That part of the Motion seeking to prohibit Dr. Cohen from testifying to standard of care is **DENIED**.
- b. That part of the Motion seeking to prohibit Dr. Cohen from testifying to causation is **DENIED**.
- c. That part of the Motion seeking to exclude testimony that defendants' actions were "blatantly indifferent" is **GRANTED**.

2. Defendants Corizon Health, Inc. and Tairu Wahabu, R.N.'s Motion to Exclude the Expert Testimony of Sarah E. Wakeman, M.D. is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. That part of the Motion seeking to prohibit Dr. Wakeman from testifying as to the cause of Mr. Wichterman's death is **DENIED**.
- b. That part of the Motion seeking to prohibit Dr. Wakeman from testifying to Mr. Wichterman's prognosis is **DENIED**.
- c. That part of the Motion seeking to prohibit Dr. Wakeman from testifying to standard of care is **GRANTED**.
- d. That part of the Motion seeking to prohibit Dr. Wakeman from testifying to her opinion that Wahabu violated Corizon policies is **GRANTED**.

3. The rulings in this Order are **WITHOUT PREJUDICE** to the right of the parties to seek reconsideration at trial if warranted by the evidence and the law as stated in the attached Memorandum.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**